

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **#97-18(APCB)**

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from February 1, 2001, through March 5, 2001, on IDEM's draft rule language.

#### **BACKGROUND**

The emission reporting rule, 326 IAC 2-6, was adopted by the Air Pollution Control Board and became effective in 1993. It requires air emission sources over specified emission thresholds to report their actual emissions of certain pollutants to the department annually. This information is used for air quality planning purposes and is also the basis for fee billing under 326 IAC 2-7.

On November 1, 1997, IDEM published a First Notice of Comment Period in the Indiana Register concerning amendments to the emission reporting rule at 21 IR 801. In the notice, IDEM identified several issues that were to be addressed in the rulemaking. Those issues included adding definitions to clarify the requirements of the rule, revising existing definitions for clarification and consistency, and adding particulate matter (PM) to the list of pollutants to be reported and used for applicability determinations. IDEM also solicited comment on whether and how the rule should be amended to require the reporting of hazardous air pollutants (HAPs).

Since the publication of the November 1, 1997, First Notice of Comment Period, the emission reporting rule, 326 IAC 2-6, has become subject to the "sunset" statute, IC 13-14-9.5, Expiration and Readoption of Administrative Rules. This statute requires all administrative rules in force on December 31, 1995 to be readopted and effective by January 1, 2002 or they will expire. A comment was received for 326 IAC 2-6 during the First Notice of Comment Period requesting that IDEM readopt this rule separately from the general readoption rule. Since the development of amendments to the rule had proceeded to a point where the department was ready to publish a Second Notice of Comment Period anyway, IDEM determined that it would make sense to use the open rulemaking to meet the requirements of the "sunset" rule.

Following is a brief discussion of key modifications IDEM suggests for the rule. IDEM solicits comments on the proposed modified rule language and any other issues of concern.

### **Applicability**

The current emission reporting rule applies to all sources located in ozone nonattainment and maintenance counties that have potential to emit volatile organic compounds (VOCs), and nitrogen oxides (NOx) greater than 10 tons per year. The rule also applies to all sources in the state that have the potential to emit greater than one hundred (100) tons per year of VOC, NOx, carbon monoxide (CO), particulate matter less than ten (10) microns (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>) or greater than five (5) tons per year of lead. These sources must report actual air emissions to the department annually. Some sources that have accepted an enforceable limit on their potential to emit are not subject to the annual reporting requirements unless specified in their operating permit or agreement.

The draft rule language expands applicability of the reporting requirements to all sources subject to the Part 70 (Title V) permit program and to the federally enforceable state operating (FESOP) permit program. The intent is to provide clarity that all major sources (those subject to Title V) must report their actual emissions to the department annually and to include FESOP emissions in the state inventory. However, sources located in ozone maintenance counties that have potential to emit volatile organic compounds (VOCs), and nitrogen oxides (NOx) greater than 25 tons per year instead of 10 tons per year would have to report their emissions.

Inclusion of FESOP sources is intended to provide a more complete inventory of air pollutant emissions in the state. This information is necessary to:

- Assess accurately the effectiveness of pollution control programs.
- Evaluate the air quality impacts of new construction or major modifications to existing major sources.
- Provide the department and U.S. EPA with the most accurate information available when considering future control strategies and policies.

The lack of timely and reliable emissions data can result in significant gaps in pollution control strategies and policies. In some instances, the most recent data for permitted sources is over six (6) years old. Furthermore, since FESOP sources potentially can emit up to major source levels of criteria pollutants, their emissions can be significant.

Establishing reporting requirements for FESOP sources will allow IDEM to provide consistency to how these sources are required to report. Currently, all FESOP sources are required to file compliance reports on a quarterly basis and nearly half are required to report emission statements annually because they are located in ozone nonattainment and maintenance counties. After reviewing the compliance reports, it has been found that the sources have been required to report in a variety of ways, for example, by fuel usage, source wide emissions, and process rates. These methods of reporting can provide information on the compliance status of the source, but they can rarely provide

the information necessary to compile an accurate emission inventory.

IDEM is required to submit a comprehensive emissions inventory to U.S. EPA once every three years, and as a result, IDEM is required to estimate the emissions from the FESOP sources using U.S. EPA methodologies that are based upon county-wide employment and fuel usage. These methodologies are thought to result in overestimates of industries' impact on air pollution. Realizing that these sources are generally small and that annual reporting would be burdensome, IDEM has proposed to allow the FESOP sources in attainment areas to report once every three years. In addition, the draft rule limits the reporting requirement for FESOPs to those emissions for which the source has an enforceable limit in its permit. Such sources are already required to keep records to demonstrate compliance with those limits under their permits. Further, the department will work with affected sources by sending timely reminders, including emission reporting packages complete with guidance and software at the beginning of the year that the affected source is required to report.

Draft rule language is included to provide an exemption from the emission statement requirement for sources operating pursuant to a Source Specific Operating Agreement (SSOA), permit by rule, or registration, except for those that emit nitrogen oxides (NOx) or volatile organic compounds (VOC) located in an ozone nonattainment or maintenance county. This exemption would eliminate nearly three hundred small sources (mostly mines and quarries) from the emission statement requirement of the rule.

The list of pollutants to be reported has been moved to section 4, Requirements.

### **Definitions**

The addition, deletion or amendment of several definitions is proposed to provide consistency with permit rules, reflect removal of specific reporting requirements, or provide clarity. Definitions of "authorized individual", "capture efficiency", "maximum design capacity", "maximum nameplate capacity", "North American Industry Classification System" "process", and "source" have been added. Definitions of "emission statement operating year", "plant", "peak ozone season", "point", "SIC code", "stationary source", "segment" and "typical ozone season day" have been deleted. Other definitions have been amended to be consistent with permitting rules.

### **Compliance schedule**

The proposed compliance schedule would require annual reporting of all Title V and FESOP sources in ozone nonattainment and maintenance counties. In addition, FESOP sources in attainment counties would report every three (3) years with approximately one-third of the sources reporting each year based on the county in which they are located. A three (3) year schedule is consistent with federal

requirements that states update their inventories on a three (3) year cycle. The department will determine whether federal law allows it to exempt FESOP sources in nonattainment and maintenance counties from annual reporting, thus allowing them to report on a triennial basis as well. A subsection was also added to allow electronic submittal of emission statements with a written certification that the information in the emission statement is true, accurate, and complete.

### **Requirements**

Proposed deletions include eliminating seasonal reporting of ozone precursors. This requirement was established to assist IDEM in complying with federal emission reporting requirements. IDEM policy allows sources to report on a calendar quarter basis since the emission reporting system can convert reported data easily to obtain ozone season information, thus meeting the reporting requirements of U.S. EPA without creating an additional burden on affected sources.

Proposed modifications include allowing sources to use emission factors from updated documentation as approved by IDEM. Current references are constantly updated and in many instances, sources are reporting emissions using factors that are not approved under the current state rule language, yet may be the best information available.

Issues concerning the requirements section include:

- Specifying reporting levels.
- Requiring reporting of stack parameters.
- Expanding the list of reportable pollutants.

**Specifying de minimis reporting levels.** Specifying de minimis reporting levels would ensure consistency in reporting, would ensure that reportable quantities are at levels that will provide useful information for planning purposes, and would eliminate the burden associated with reporting HAPs that are emitted below de minimis levels. The current practice for reporting levels for sources subject to the existing rule is to report to the second decimal place in tons (one-hundredth (0.01) of a ton) or twenty (20) pounds, and this is the reporting level included in the proposed rule. However, the twenty (20) pound level may be too high for certain HAPs. One example is dioxin, which is typically emitted in very small amounts. The state total estimate for dioxin is less than one-thousandth (0.001) pound per year. The proposed rule does not include reporting levels for dioxin, mercury or lead.

**Requiring reporting of stack parameters.** Stack parameters are currently reported by some sources and not by others. IDEM proposes that the rule require this information to be reported by all Title V sources. Stack parameter information will provide required information

to do modeling analyses for prevention of significant deterioration as well as toxics planning. The department will work with interested parties to determine whether to add language to the rule allowing the grouping of stack information for like stacks for reporting purposes.

**Expanding the list of reportable pollutants.** The list of reportable pollutants is expanded to sixty-four (64) including the current list of six (6) criteria pollutants. The added pollutants are all classified as HAPs pursuant to state and federal rules. Rather than require reporting of all one hundred eighty-eight (188) pollutants defined in the Clean Air Act Amendments of 1990 and by U.S.EPA as HAPs, the department has proposed a strategic list of pollutants to be reported. The selection criteria along with a list of the newly added pollutants are as follows:

1. U.S. EPA Urban Air Toxic Strategy HAP

These HAPs represent those that US EPA has identified as being of most concern to public health in urban areas. Although many of these HAPs have the greatest emissions contributions from area and mobile sources, they are also emitted from major point sources, including combustion sources.

2. Toxicity-weighted TRI and RAPIDS HAPs

IDEM proposes these HAPs be reported to collect information on those pollutants that may present the greatest hazard in Indiana based on two key inventories of air toxics: the Toxic Release Inventory (TRI) and Regional Air Pollutant Inventory Development System (RAPIDS). The pollutants were ranked using toxicity ranking factors for cancer and non-cancer health effects. Four lists were developed using the non-cancer and cancer weighting factors for each inventory. Using a break in the data, the top fifteen (15) from each list were selected. Some pollutants are on more than one of the top fifteen (15) lists and a few of the TRI pollutants are not HAPs and are not included in the list of pollutants to be reported. Toxicity weighting factors were developed by the U.S. EPA Office of Pollution Prevention and Toxics (OPPT) and are used in the Chicago Cumulative Risk Initiative (CCRI). As in the CCRI project, the weighting factors are used to rank emissions to identify priority pollutants from the TRI and RAPIDS emissions inventory.

3. High Volume TRI HAPs

IDEM selected these HAPs to collect information on those pollutants used in high volume in Indiana by ranking the TRI pollutants by volume reported. The top fifteen (15) were selected, of which three are not HAPs and were not included in the list. For example, this criterion would require reporting of styrene.

4. Monitored HAP

In 1999, IDEM began a two (2) year monitoring study to support the agency's Reducing Toxics Initiative. The two (2) year study focused on establishing air toxics monitoring stations

in four (4) urban areas with the highest reported releases of toxic chemicals to the air: Elkhart County, Marion County, Vanderburgh and Posey Counties, and Northwest Indiana. A permanent monitoring station was located in each area for the duration of the study with three (3) short-term (six (6) month) neighborhood assessment sites located on a rotating basis in each community. Monitoring sites were located based on exposed population. In the case of Northwest Indiana, data collected by this study supplement longer term data that have been collected in Hammond and Gary. The study is scheduled for completion in the summer of 2001. Based on current monitoring, several chemicals have been identified that are consistently at the top of the rankings in all urban areas. Average concentrations of these chemicals were greater than or equal to the chronic cancer benchmark for each of these respective chemicals. Vinylidene chloride is the exception. It is not reported by any source in Indiana but was monitored at levels much above the chronic cancer benchmark in Posey county. This chemical is of particular concern in southwest Indiana.

#### 5. Billable HAPs

All HAPs are regulated air pollutants subject to permit fees, but some HAPs, such as mercury compounds and methylene chloride, are neither VOC or PM, are not included in those categories of pollutants for fee calculations, and must be reported separately for billing purposes.

The following table provides information about the HAPs included in section 4 of the draft rule. Note that a large number of HAPs on this list meet several criteria.

	UATS	Billable HAP	Toxicity-weighted HAP	TRI-Volume	Monitoring
Acetaldehyde	X		X		
Acrolein	X		X		
Acrylonitrile	X				
Arsenic Compounds	X		X		
Benzene	X		X		X
Beryllium Compounds	X		X		
1,3-Butadiene	X		X		
Cadmium Compounds	X		X		
Carbon Tetrachloride	X				
Chloroform	X				X
Chromium Compounds	X		X		
Coke Oven Emissions	X		X		
1,3-Dichloropropene	X				
Ethylene Dibromide (1,2-dibromoethane)	X				
Ethylene Dichloride (1,2-dichloroethane)	X		X		X
Ethylene Oxide	X		X		

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Formaldehyde	X		X		
Hexachlorobenzene	X				
Hydrazine	X				
Lead Compounds	X		X		
Manganese Compounds	X		X		
Mercury Compounds	X	X	X		
Methylene Chloride (dichloromethane)	X	X	X	X	
Nickel Compounds	X		X		
Perchloroethylene (tetrachloroethylene)	X		X		
Polychlorinated Biphenyls	X				
Polycyclic Organic Matter	X				
Propylene Dichloride (1,2-dichloropropane)	X				X
Quinoline	X				
2,3,7,8-tetrachlorodibenzo-p-dioxin	X				
1,1,2,2-Tetrachloroethane	X				
Trichloroethylene	X		X	X	
Vinyl Chloride	X				X
Chlorine		X			
Hydrochloric Acid		X		X	
Hydrofluoric Acid		X			
Methyl chloroform		X			
Phosphine		X			
Cobalt			X		
Propylene Oxide			X		
Napthalene			X		
Methylene (B)4-phenylisocyanate			X		
Glycol Ethers			X	X	
Toluene			X	X	
Toluene diisocyanate			X		
Carbonyl sulfide			X	X	
Triethylamine			X		
Diethanolamine			X		
Xylene			X	X	
Hexane			X	X	
Methyl ethyl ketone			X	X	
Methanol			X	X	
Phenol			X	X	
Styrene				X	X
Vinylidene chloride					X
Chloromethane (methyl chloride)					X

### **Discussion of recommendation for HAP reporting**

Indiana's air toxic program is based on the federal air toxics program. The federal program, contained in Section 112 of the Clean Air Act Amendments of 1990, establishes a two phase approach for addressing air toxics. The first phase, which is nearing completion, is the development and

implementation of technology-based standards designed to reduce emissions of hazardous air pollutants (HAP) from all major emitting sources and certain smaller sources, such as dry cleaners and chromium electroplaters. These standards are known as maximum achievable control technology, or MACT. U.S. EPA is required to identify the source categories to be regulated and then to develop the MACT standards according to a schedule. The Clean Air Act required U.S. EPA to complete this phase by November 15, 2000. However, there have been some delays in completing MACT standards for all identified source categories. IDEM has incorporated the MACT standards as they have been promulgated by the U.S. EPA.

The second phase, which is just beginning, is the evaluation of the effectiveness of the technology based standards in reducing risk to public health from exposure to HAPs. The established criterion for "residual risk" in most instances is an excess cancer risk of one (1) in a million (1,000,000) resulting from chronic (greater than seventy (70) years) exposure. U.S. EPA is required to develop more stringent "risk based" emission limitations, or standards, where it determines that an unacceptable public health risk remains even after the implementation of the technology based standards.

Because of the complexities involved in residual risk evaluation and due to limited resources, U.S. EPA is looking at regulatory frameworks to ensure that this important requirement of the Clean Air Act is addressed. The most common element of the frameworks under consideration is that of a state-federal partnership to assess residual risk and to develop strategies to reduce risk. Another common thread is U.S. EPA's responsibility under the Clean Air Act to reduce risk from those pollutants of most concern in urban areas, where the greatest populations are exposed. Having complete and accurate emissions information for hazardous air pollutants will be essential to this process and for Indiana's full participation in discussions and decisions at the national level.

To develop sound and realistic public policy in Indiana, reported HAP emissions information is necessary. Uses of this information include:

- Modeling analyses.
- Assessing emission trends and reductions resulting from implementation of state and federal regulations.
- Projecting future control strategies.
- Tracking progress to meet requirements of the Clean Air Act.
- Assessing hazards to the public health and the environment.
- Responding to public inquiries.
- Assessing fees for permits.

Other states that require HAPs reporting are California, Florida, Illinois, New York, North Carolina, Texas, Washington, and Wisconsin.



The approach suggested in this draft rule is a sensible first step in developing accurate HAP information. Rather than including all federally designated HAP, IDEM has used criteria to identify those HAP for which there is the most compelling need. Requiring only the larger sources ( Title V sources and FESOPs that have a HAP limit) to report emissions will help ease the reporting burden because it eliminates many small permitted and registered HAP emitting sources from the reporting requirements of the rule. One concern often raised is that of the availability of reliable emission factors for estimating emissions. Over the last several years, much work has been done in that area, by both industry and U.S. EPA. Emission factors for most processes are available either through U.S. EPA data sources, such as the Factor Information Retrieval System (FIRE) database or through source specific factors. In many cases, these factors have been used for permitting purposes. The department will work with affected sources by developing additional guidance to assist in reporting emissions and by sending emissions reporting packages, complete with guidance and software, to streamline the reporting process. These packages are currently sent out at the beginning of the year that the affected source is required to report. The department will hold further discussions with sources on ways that new emission factors can be approved for use in a streamlined way. Finally, the department will continue to work with interested parties to explore the possibility of grouping emissions from similar processes, rather than requiring emissions data from every process level unit as the draft rule currently requires. Such grouping would still provide the department with valuable HAP information while reducing the reporting burden on sources.

The proposed rule also contains a section allowing the department to request more information for emission inventory purposes from permitted sources. This section is in response to suggestions that the department reduce the amount of information requested by the first draft of the rule, and replace it with the ability of the department to request more detailed information.

IDEM received numerous comments on the Second Notice and draft rule language and has had several very constructive meetings with interested parties. The draft rule IDEM will be presenting to the Air Board on April 12, 2001 contains a number of changes from the previously published draft, based on the discussions and comments.

This document sets out a number of areas for further discussion with interested parties prior to finalizing the rule. However, the department believes it is important to move forward on the rule at this time with the commitment to work through the remaining issues prior to final adoption.

**IDEM received comments from the following parties:**

Accra Pac Group

APG

American Electric Power	AEP
Bethlehem Steel Corporation	BSC
BP Amoco Oil	BP
Citizens Gas & Coke Utility	CGCU
City of Indianapolis	INDPLS
Coachmen Industries, Inc.	CII
Countrymark Cooperative, Inc.	CCI
Eli Lilly and Company	ELC
Essroc Cement Corporation	ECC
Ferro Corporation	FC
GE Plastics Mt. Vernon, Inc.	GEP
General Cable Corporation	GCC
Indiana Cast Metals Association	INCMA
Indiana Manufacturers Association	IMA
Indiana Petroleum Council	IPC
Indianapolis Power & Light Company	IPL
Knauf Fiber Glass GMBH	KFG
Kimball International	KI
K-T Corporation	KTC
Milestone Contractors, L .P.	MCLP
Monaco Coach Corporation	MCC
National Starch & Chemical	NSC
NiSource	NS
Purdue University	PU
Quemetco, Inc.	QI
Richmond Power & Light Company	RPL
The Society of the Plastics Industry	SPI

Following is a summary of the comments received and IDEM's responses thereto.

#### GENERAL

*Comment:* On May 23, 2000, the U. S. EPA issued a proposed rule on consolidated emissions reporting (CER). U. S. EPA also requested comments on the viability of requiring the emission reporting of HAPs. At a minimum, IDEM should await the outcome of the CER rulemaking before finalizing its amendments to the air emission reporting rule. In their current form, the IDEM amendments are less stringent than the proposed CER rule because IDEM exempts mobile sources

from reporting. (FC)(SPI)

*Response:* The purpose of the proposed CER was to improve and simplify emissions reporting by states to U. S. EPA. IDEM agrees that consistent, national minimum requirements, for HAP reporting would be beneficial and commented to that effect to U. S. EPA. However, it is uncertain when U. S. EPA will complete the CER rule. IDEM's rule has been in development for some time, and is now on a schedule to be completed due to the sunset statute. The draft rule was developed based on Indiana specific information. Mobile sources are not included in this rule because the rule applies to point sources and not to mobile sources. Mobile source emissions are estimated by the state using vehicle miles traveled and speed of the vehicles. If a federal rule is ultimately finalized that contains requirements that go beyond Indiana's rule, IDEM would start the process to amend the rule.

*Comment:* Sources in other states (New Jersey and Illinois) are only required to report HAPs if they are a potential major source for any parameter or have a percentage thereof. Only the larger sites need to report. IDEM should consider adopting similar rules. (NSC)

*Response:* The draft Indiana rule does focus on the larger sources. The draft rule is only applicable to Title V and FESOP sources. A FESOP source is only required to report HAPs if that is the pollutant for which it has taken a permit limit. Emissions from insignificant activities as defined in 326 IAC 2-7-1(21) are excluded from the draft rule. IDEM has established applicability and reporting thresholds and reporting levels in the revised draft rule.

*Comment:* IDEM's proposal to increase the reporting burden of stationary sources is unnecessary given the dramatic improvements in air quality observed throughout the United States over the past twenty (20) years. These reductions occurred while the economy doubled in size and total energy consumption increased. Thus, new reporting requirements are unnecessary and may be harmful in the current slowing and contracting economy. (SPI)

*Response:* It is true that Indiana's air quality has improved in the last decade with respect to certain pollutants. Carbon monoxide levels are down by twenty-nine percent (29%), large particle soot and dust pollution has been cut by thirty-five percent (35%), four counties have been given a clean air rating for sulfur dioxide, and four cities have been taken off the bad air list for smog by meeting the one hour ozone standard, while the state's economy has grown at a healthy rate. In order to assess continued improvement for these pollutants, evaluate air quality impacts of new construction and to have the most accurate information available when considering future control strategies and policies, accurate emissions data continue to be necessary.

In contrast to the pollutants just mentioned, however, far less is known about emissions of air toxics. Emissions data are an important tool in evaluating the effectiveness of these limits in achieving the maximum levels of reduction possible. The next part of the process will be to establish emission limits designed to minimize public health risks from exposure to these chemicals. This process requires

a complete and accurate estimate of emissions in order to develop an effective and fair public health policy. Evidence over the last ten (10) to fifteen (15) years indicates the increasing public health impacts of exposure to air toxics and fine particulate matter. We are well into the process of applying technology-based limits on these emissions.

*Comment:* Resources are not available to adequately address the needs of the reporting requirements in the draft rule. (INCMA)

*Comment:* The changes, as proposed, would require a level of paperwork filings and cost to the refinery that would far outweigh the agency's expected benefits of the reportable data. (BP)

*Response:* IDEM will work with the regulated community to assure that the information requested requires the least amount of effort to generate the most useful information from the regulated community. Reporting levels and aggregation of like sources are two areas for further discussion. IDEM is preparing a fiscal impact analysis for this rule and would welcome specific cost information from sources. If sources are already collecting data as required by their permits, reporting the emissions should be a matter of reporting data that have already been gathered. The benefits of the data will be in increasing IDEM's understanding of where HAP emissions are coming from in a real world sense. While IDEM does collect monitoring data, there is no sure way of tracing those monitored pollutants to their origin, and permit information is based upon potential emissions which do not tend to be reflective of actual emissions or activity on a yearly basis.

*Comment:* IDEM should make use of available information and not add new reporting and recordkeeping requirements for minor sources. (MCC)

*Response:* IDEM presumes that minor sources in the comment means sources operating pursuant to a federally enforceable state operating permit, or FESOPs, which are synthetic minor sources. With respect to these sources, the Department does make use of available information. The problem is that much of this information is outdated, and that which is available is of varying quality. Over fifty (50) percent of the FESOP sources are already required to provide emissions information on an annual basis because they are located in nonattainment or maintenance counties. With the changes included in the draft rule, the department expects that it would not increase recordkeeping requirements since sources must track their emissions in order to demonstrate compliance with emissions limitations in their permits.

*Comment:* If modeling is the primary goal of IDEM's draft rule language to get more detailed source information, justification for this level of data collection was not provided, but is consistent with what is required for such dispersion models as ISCST3 and ISC Prime models. For general screening analysis, simpler models are available, such as EPA's Regional Air Model (RAM), T-Screen. Generic source information can be developed for different sizes and types of operations to provide

representative information and good regional impact evaluations. The refinement of the emission data to provide actual emissions by emission unit or stack is impossible. This level of detail would require recordkeeping and monitoring efforts several levels of magnitude above the current monitoring requirements and would still be a wild guess. (MCC)

*Response:* IDEM appreciates the recommendations for dispersion models and modeling protocols. However, dispersion modeling is not the only goal of the draft rule. It is just one of many uses for emissions data. Other uses include public access to actual emissions of hazardous air pollutants, evaluating the effectiveness of state and federal regulatory programs, and fee billing. Dispersion modeling is important for evaluating new source permit applications. The revised draft rule has simplified some of the reporting requirements.

*Comment:* If the final rules require the amount of information and level of detail contained in the proposal, IDEM should be required to issue a periodic report to the Air Pollution Control Board and the Environmental Quality Service Council describing in detail how the data was used to address specific issues or problems. (EL)(GEP)(KI)

*Response:* IDEM already provides updates to the Air Pollution Control Board and the Environmental Quality Service Council about its activities on a regular basis and would respond to any requests for specific information from any group.

*Comment:* The emission reporting rules in 326 IAC 2-6 should be taken out of Article 2 of Title 326 and placed in Article 1, since they are better categorized as a general requirement instead of a permitting requirement. (EL)(KI)

*Response:* IDEM has considered moving this rule to Article 1, General Provisions, and will continue to discuss this change.

*Comment:* The rule could provide IDEM with authority to request an individual source to provide more detailed HAP reporting and other source information on an as needed basis. This would allow IDEM to gather sufficient information to conduct modeling or risk assessment if warranted. (EL)(KI)

*Response:* IDEM agrees, and has included such a provision in the draft rule while reducing the reporting requirements for FESOPs and for major sources of HAP.

*Comment:* The existing rule is adequate and should not be changed.  
(BSC)(CCI)(ECC)(GCC)(IMA)(INCMA)(KFG)(KTC)(QI)(RPL)

*Response:* The draft rule revisions reflect areas in which the Department feels the existing rule is not adequate, specifically in accomplishing its intended purpose of providing a mechanism to develop a complete and accurate inventory of emissions from all point sources in the state for modeling and

regulatory development, providing data necessary to assess the effectiveness of state and federal regulatory programs, and providing information that the public requests. Some of the rule changes have been requested by sources over the years.

*Comment:* The existing rule satisfies the requirements of determining emission for purposes of calculating Title V emission fees. Additional information is not required to be collected by Indiana because it is being collected by the federal government in connection with developing hazardous air pollutant standards and National Emissions standards for Hazardous Air Pollutants (NESHAP) standards under Section 112 of the Clean Air Act and other federal laws.  
(BSC)(CCI)(ECC)(GCC)(KFG)(KTC)(QI)(RPL)

*Response:* The Department agrees that the existing rule satisfies the requirements of determining emissions for purposes of calculating Title V operating permit fees, except for billable HAPs, but it does not clarify that “billable” hazardous air pollutants must be reported. This is necessary to accurately determine Title V operating permit fees. Fee assessment is not the primary purpose of the draft rule revisions. With respect to data collection to support NESHAP development, U.S. EPA does use a Section 114 data collection process. However, in some cases, data as much as ten (10) years old have been used for federal standard development. Additionally, the next phase of the federal air toxics program will rely on determining the true effectiveness of technology-based reductions in protecting the public health. This assessment will require as complete and accurate of an emissions inventory as possible. Thus, the draft rule includes U.S. EPA’s list of urban air toxics in the list of reportable HAP.

*Comment:* IDEM should not confuse compliance reporting and emissions reporting. A compliance report covers a facility’s compliance with each pertinent section of its permit and does not provide the same information as does emission reporting. Additional emission reporting would constitute an additional burden. (FC)

*Comment:* The proposed amendments appear to be silent on the issue of report format. The emission statements currently do not follow the “D section” of the sources’ permit. For clarity and expanded usefulness, the emission statements should follow the “D section(s)” of the sources’ permit. (INDPLS)

*Comment:* Requiring all FESOP permitted facilities in the state, including those located in attainment counties, to report actual emissions is duplicative with the FESOP required quarterly reports. Data submitted in the quarterly reports is based on actual facility data for limits established in the permits. (MCLP)

*Comment:* Sources subject to Federally Enforceable State Operating Permits (FESOPs) that are not currently required to report emissions data should not be required to report under the proposed amendments. One of the few benefits of being FESOP sources in attainment counties is the fact that annual emission reports are not required. IDEM underestimates the additional burden for sources to

convert the compliance reports that FESOP sources currently submit into reportable emissions information, and to compile/submit the highly detailed source information that is also part of the emission statement. (EL)(KI)

*Response:* Because Title V permits are not supposed to establish new requirements, the Department believes that it is more appropriate for the Section D compliance requirements to reflect the applicable requirements as established in the emission statement rule, 326 IAC 2-6. IDEM would like to explore further with interested persons the idea of streamlining compliance and emission reporting for FESOPs. FESOP sources are already required to keep records that are more detailed than the draft emission reporting rule requires. This draft rule would require that a source summarize and report the information gathered over the course of one year on its permitted units once every three years. The draft rule has been revised for FESOP source reporting. A FESOP will only report emissions for those pollutants for which a source has a FESOP limit and stack parameters and HAPs are excluded except those HAPs for which a source has a FESOP limit.

*Comment:* IDEM should fix, simplify, or get rid of the STEPs program. (MCC)

*Response:* The State Emission Program System (STEPs) program, that is now called iSTEPS, is a tool that simplifies reporting and has undergone significant revision. Many training sessions are being offered throughout the state to help sources use the electronic system. The Department encourages those interested in using the system to attend one of the training sessions to learn more about iSTEPS.

*Comment:* Consideration should be given to separating Elkhart County from St. Joseph County and classifying Elkhart County as an ozone attainment area. Have monitors in Elkhart County shown any exceedance of the ozone standard? Consideration should be given to classifying Elkhart County as an ozone attainment area and adding it to one of the three-year schedules in 326 IAC 2-6-3(c). (APG)

*Comment:* Sufficient data exist to support the separation of Elkhart and St. Joseph Counties into individual metropolitan statistical units. Please develop language identifying Elkhart and St. Joseph Counties as separate units for determining compliance with national ambient air quality standards and for the purposes of applicability of 326 IAC 2-6. (CII)

*Response:* While Elkhart and St. Joseph Counties are considered separate metropolitan statistical areas (MSA), for purposes of the one-hour ozone standard, U.S. EPA considered them to be within the same airshed based on geographic location and shared industrial and population influences. Both counties are currently considered to be in attainment of the one-hour ozone standard and subject to maintenance requirements pursuant to the Clean Air Act. With respect to air quality monitoring, no exceedances of the one-hour or eight-hour ozone standards were observed in Elkhart County in 2000. However, an air quality monitor located in Cassopolis, Michigan recorded three (3) exceedances of the

eight-hour ozone standard. The Cassaoplis monitor serves as a tool to assess downwind transport from the Elkhart County and St. Joseph County MSAs.

*Comment:* The sunset provisions were intended to review rules for their applicability and value. Significantly expanding the rule coverage brings into question IDEM's authority to and responsibility related to rule review. (INCMA)

*Comment:* The existing rule is adequate and should not be changed hurriedly because of the "sunset" statute. The sunset provisions were intended to review rules for their applicability and value. The draft presented expands the scope of the rule, which is certainly not the intent behind the sunset review process. (IMA)

*Response:* The emission reporting rule has been open for some time and much work has been done to develop these amendments. The sunset statute has put this rulemaking on a schedule for completion, but did not prompt the amendments which were already underway. IDEM has specifically separated this rule from other sunset rules to address needed changes in the current air emissions reporting rule. IDEM has followed all necessary rulemaking processes required by law, and will devote the necessary time and resources to work with interested persons to resolve the issues prior to final adoption.

*Comment:* The proposed changes in the emission reporting rules would put Indiana Kimball plants in a noncompetitive position due to the fact that other adjoining states do not require this degree of reporting for their industries. This proposed rule change could lead Kimball to evaluate migrating business away from their Indiana plants in favor of plants located in other states. (KI)

*Response:* Given that Kimball is currently required to report annual emissions, and under Section 313 requirements must provide some level of toxic chemical information to US EPA, the Department does not feel that the draft rule creates an excessive burden nor that it would put Kimball in a noncompetitive position. The draft rule revisions address emission reporting, not substantive requirements, such as air pollution controls or emission limits. Additionally, many other states either have or are considering adopting emission reporting requirements, including the reporting of HAP. IDEM will continue to work with all stakeholders to address specific concerns during the development of this rule.

## APPLICABILITY

*Comment:* IDEM has indicated that one of the primary reasons for expanding the coverage of this rule is to improve emissions inventory information. IDEM has specifically excluded certain small sources from the rule. AEP recommends that facilities smaller than Federally Enforceable State Operating Permit (FESOP) sources be required to submit an emission statement once every six to ten



years to minimize their burden, while generating significantly better emission inventory data than now exists. (AEP)

*Response:* Working with other states and U.S. EPA, the Department uses standardized procedures for estimating emissions from small sources. Rather than burden true minor sources, we feel these procedures are adequate.

*Comment:* The City of Indianapolis Environmental Resources Management Division (ERMD) agrees with IDEM that FESOP sources should be required to submit emission statements. Inclusion of FESOP sources will allow a more accurate inventory of pollutant emissions. (INDPLS)

*Response:* IDEM appreciates the support of the Indianapolis ERMD on this issue.

*Comment:* IPL believes that this rule should only apply to electric generating units with respect to the criteria air pollutants. It should be noted that the electric utility industry is not currently regulated under Section 112 of the Clean Air Act Amendments of 1990 and should not be required to report emissions for hazardous air pollutants. (IPL)

*Response:* Electric generating units can be large emitters of hazardous air pollutants (HAP). The proposed rule is structured so that all major sources, except FESOP sources, would report HAP emissions. IDEM believes that electric generating units should be subject to the same requirements as other major sources in the state. Section 112 regulates the control of HAPs and not the reporting of HAPs.

*Comment:* There is little value from extending the reporting requirements to smaller sources, especially FESOP sources. Companies elected to participate in the FESOP program under the guise of simpler permits and less recordkeeping and reporting burdens. To date, this has been a total hoax. Limit all annual emission reporting to Title V facilities only. (MCC)

*Comment:* The overall impact of adding small sources equals an insignificant percentage of overall emissions. Given the amount of resources necessary, we find it difficult to believe that the data gains are worth the resources and effort. The expansion of paperwork for most sources is unreasonable, particularly given that many of these sources selected FESOPs and Source Specific Operating Agreements (SSOAs) based upon a promised smaller paperwork and regulatory load. (INCMA)

*Comment:* IDEM indicated that one of the primary motivations behind the emission reporting proposal was the need to obtain "timely and reliable" data on FESOP emissions, some of which were over six (6) years old. If a source changes processes or adds equipment, the source must, at a minimum notify IDEM of those changes. Therefore, IDEM has access to the most accurate and up to date emission information available. IDEM's concern that U.S. EPA methodologies used to estimate emissions from FESOP sources resulted in overestimation of these sources' impacts on air pollution is

unpersuasive and illogical as a basis for these burdensome amendments. Those methodologies are the only ones available and a source would have to use them for any emission reporting to any regulatory agency. (FC)(SPI)

*Comment:* IDEM should exclude FESOP sources from the rule. The current rule excludes FESOP sources because they are not major by definition. Therefore, the proposed rule dramatically increases the reporting burden under a FESOP for those sources without a corresponding environmental benefit. The reporting requirement and county schedule for FESOP reporting should be deleted. (ECC)(GCC)

*Response:* FESOP sources are exempted from burdensome monitoring and control requirements such as compliance assurance monitoring required for Part 70 sources. The FESOP program requires that sources do recordkeeping and reporting as a more cost effective way to demonstrate compliance with their permit limits. The draft rule has been revised to provide for lesser reporting requirements for FESOPs than Title V sources.

*Comment:* If FESOP sources are ultimately required to report emissions under 326 IAC 2-6, paragraph 326 IAC 2-6-1(c) should not be written as applying to sources “required to have” a FESOP, since the FESOP program is optional. (EL)(KI)

*Response:* IDEM agrees and 326 IAC 2-6-1(c) has been changed to read: “This rule applies to all sources that have an operating permit under 326 IAC 2-8, Federally Enforceable State operating Program.”

*Comment:* In sections 326 IAC 2-6-1(b) and (c), IDEM has proposed to delete the phrase “not covered by subsection (a)”. GE believes that this phrase ought to be left in the rule. With the phrase, the three categories in section 1(a), 1(b), and 1(c) are mutually exclusive. They do not overlap. If the phrase is not used, then a source could fall into both section 1(a) and 1(b), such as Title V source in a nonattainment area, or into section 1(a) and 1(c) such as a FESOP source in a nonattainment area. This creates a problem in determining how the compliance schedule provisions of section 3 apply. (GEP)

*Response:* IDEM agrees and the phrase “not covered by subsection (a)” will not be deleted.

*Comment:* The language in the proposed 326 IAC 2-6-1(d) appears to indicate that retail gasoline dispensing stations, operating under a permit by rule, which are located in nonattainment or maintenance counties would be subject to the rule. This interpretation does not seem to reflect the stated intent of the agency. In order to clarify the exemption provision, we would suggest eliminating “Except for sources subject to subsection (a)” from 326 IAC 2-6-1(d). (IPC)

*Response:* IDEM does not intend to collect emissions information from gasoline stations. Information on sales of gasoline is readily available and emissions can be calculated with this

information. 326 IAC 2-11-2, Gasoline dispensing operations, is a permit by rule for gasoline stations which are exempted in the draft rule emission reporting rule. Compliance with the permit by rule limits should keep a station below the applicability thresholds in 326 IAC 2-6-1(a). IDEM does not currently collect emission reports from gasoline stations.

*Comment:* IDEM's basis for requiring HAP reporting is based on a facility's ability to emit greater than ten (10) tons per year of NO<sub>x</sub> and VOCs in nonattainment counties, one hundred (100) tons per year of VOC, NO<sub>x</sub>, PM<sub>10</sub> and SO<sub>2</sub>, or five (5) tons per year of lead. What about those facilities that have Title V permits or FESOPs that don't have these potentials to emit (PTEs)? INCMA believes there should be an exclusion for these facilities similar to the exemption provided for mines and quarries. (INCMA)

*Response:* Sources that have the potential to emit above Title V thresholds may be able to use a Source Specific Operating Agreement or permit by rule to avoid the Part 70 requirements and emission reporting. Sources that can establish federally enforceable limits on their potential to emit to below Title V thresholds are able to obtain a FESOP and report every three years, otherwise Title V sources must report annually.

*Comment:* All reporting thresholds should be set at one hundred (100) tons per year, both for attainment and nonattainment areas. (MCC)

*Comment:* The value of using the very low threshold of a potential to emit ten (10) tons per year of VOC in nonattainment and maintenance counties is unclear. Consideration should be given to raising this threshold to a level where a significant cost/benefit advantage can be clearly demonstrated, or using a default threshold of one hundred (100) tons per year. (APG)

*Response:* Section 182(a)(3)(B)(ii) of the Clean Air Act Amendments of 1990 indicates that states may waive the requirement to submit emissions for sources under twenty-five (25) tons of VOC and NO<sub>x</sub> under certain conditions. IDEM proposes to raise the reporting threshold for NO<sub>x</sub> and VOC to twenty-five (25) tons for the maintenance counties and to keep the current ten (10) tons reporting thresholds for nonattainment counties should remain the same. However, IDEM is exempting SSOAs, permits by rule and registrations from the emission statement reporting requirement.

## DEFINITIONS

*Comment:* In the definition of "control efficiency", the words "diminished effectiveness" should be deleted or, if not deleted, should be elaborated upon so a facility knows the intended use and application for the words. The term as it is currently used is arbitrary. (IPL)

*Comment:* "Control efficiency" should be defined as "control efficiency shall account for control equipment downtime, operation with diminished effectiveness, and any other malfunctions that

occurred while the emissions unit or units were in operation ”. (GEP)

*Response:* IDEM agrees that “diminished effectiveness” should be deleted and that “control efficiency” should be calculated when the units are in operation.

*Comment:* The definition of “down time” is unclear as currently written. We believe the intent is to indicate the period when the control equipment is not operational while the process it is controlling is operating. We recommend the language be modified to “Downtime means the period of time when the control device is not operational during the corresponding period during which the source it controls is in operation”. (NS)

*Response:* IDEM agrees and the definition has been reworded.

*Comment:* Both 326 IAC 2-6-3(a) and (b) refer to a “calendar year” as the applicable reporting period. The definition of “emission statement operating year” is duplicative and not needed. (EL)(GEP)

*Comment:* The Society of the Plastics Industry, Incorporated endorses IDEM’s proposal to eliminate the requirement for the seasonal reporting of ozone precursors and replace it with a requirement for reporting ozone precursors on a calendar basis. (SPI)

*Response:* IDEM agrees that the definition of “emission statement operating year” is not necessary since the seasonal reporting of ozone precursors has been deleted.

*Comment:* The definition of “insignificant activities” in 326 IAC 2-7-1(21) includes language that allows sources to exclude emissions information from insignificant activities. This rule should include similar language so that a person reading the rule would know without having to refer to 326 IAC 2-7, that the reporting of emissions data for insignificant activities is not required. (EL)(KI)

*Response:* IDEM agrees and a reference to insignificant and trivial activities has been added to the draft rule at 326 IAC 2-6-4(a).

*Comment:* The definitions of “maximum design capacity”, “maximum design rate” and “maximum nameplate capacity” are confusing. It is not clear what the purpose of each definition is and how sources are to use them distinctly. (BP)(EL)(GEP)

*Comment:* The definition of maximum design capacity and maximum design rate should be clarified to reflect that they are based solely on manufacturer’s information and do not represent any regulatory or operational limit on the source. This can be accomplished by adding the phrase “as specified by the manufacturer” in both of these definitions. (AEP)

*Response:* “Maximum design rate” has been deleted. “Maximum design capacity” and “maximum nameplate capacity” will be required by large boilers and electric generating units subject to the NOx SIP Call. “Maximum nameplate capacity” is determined by the manufacturer or builder of the

equipment and can usually be found on the equipment's nameplate. The "maximum design capacity" is the nameplate capacity less any restrictions on the device due to operational design.

*Comment:* The definition of "oxides of nitrogen" should be clarified so it is explicit that nitrous oxide (N<sub>2</sub>O) is excluded and it is not a covered pollutant. (APG)

*Response:* The definition of oxides of nitrogen has been changed to be consistent with other rules such as 326 IAC 10-1-2(15).

*Comment:* The term "plant" defined in 326 IAC 2-6-2(19) is not used anywhere in the rule and should be deleted. (EL)(GEP)(KI)

*Response:* IDEM agrees and the "plant" definition has been deleted.

*Comment:* With the North American Industrial Classification System (NAICS) defined in the draft rule (definition 16), the Standard Industrial Classification (definition 23) can be deleted. Milestone appreciates IDEM's use of the NAICS and encourages the transition from the archaic SIC to the more representative NAICS.(MCLP)

*Response:* IDEM agrees and the definition of "SIC code" has been deleted.

## COMPLIANCE SCHEDULE

*Comment:* Should IDEM decide to move forward with this rule despite concerns expressed, the proposed implementation date does not allow enough time for facilities to prepare. INCMA suggest a transition year without enforcement to allow facilities to ramp up and establish their internal reporting mechanisms related to new reporting requirements. (INCMA)

*Comment:* The rule needs to provide a longer transition period from the current reporting requirements to the new reporting requirements. We recommend that the rule provide that the reports submitted in 2001 and 2002 be based on the existing rule requirements and that subsequent reports be based on the revised requirements. (EL)(KI)

*Comment:* It would be more appropriate to begin the submittal in 2003. Affected sources would have already had to implement mechanisms to gather the required information beginning January 1 of this year. (NS)(GEP)

*Comment:* If a new rule along the lines of the published draft rule is adopted, IDEM should specify in the rule that the first year a report is due under these new requirements will be 2003 to cover the 2002 calendar year. (BSC)(CCI)(ECC)(GCC)(KFG)(KTC)(QI)(RPL)

*Comment:* For sources subject to 326 IAC 2-6-3(b) that submit reports triennially, the first reports should not be required to be filed in 2002, 2003, and 2004, respectively, but instead in 2003, 2004, and 2005, respectively.(GEP)

*Response:* IDEM agrees that sources should not be required to report according to the draft rule changes until 2003. The draft rule has been revised to reflect this change.

*Comment:* Purdue notes that the list of counties provided under 326 IAC 2-6-3 appears to be incomplete, as only 89 counties are listed. Purdue presumes that all 92 Indiana counties should appear on one of the three lists. (PU)

*Comment:* The list under 326 IAC 2-6-3, compliance schedule, does not appear to include Marion County. Marion County should be included in the list. (INDPLS)

*Comment:* The county listing under 326 IAC 2-6-3, Compliance schedule, needs to include Marion, Clark, and Floyd Counties. (IPL)

*Response:* Clark, Floyd, and Marion Counties have been added to the draft rule.

*Comment:* Early reporting places a significant burden on companies and should not be required for frivolous and unsubstantiated reasons. IDEM's response to those companies asking for changes to the early reporting requirements is unacceptable and unsupported by facts. Reporting deadlines for all annual reports should be set at July 1. If this is a state implementation plan (SIP) or Code of Federal Regulations (CFR) requirement, change the SIP or CFR. Remove the early reporting requirements for all counties. (MCC)

*Response:* Maintenance plans are established to protect public health. In these plans is a requirement that if certain monitored pollutant levels are reached, the state has twelve (12) to eighteen (18) months to evaluate the problem and implement a solution. A key component of this evaluation is the emission inventory which should be available as soon as possible. The federal regulation, 40 CFR 51.321, requires that states must report for areas with maintenance plans by July 1, and in order to comply, IDEM must receive the information before that date.

*Comment:* To suggest that recordkeeping and reporting efforts are significantly reduced by saying a company only has to report every three years, demonstrates a total lack of understanding of what is required to set-up and maintain an emission tracking system. (MCC)

*Response:* The rule as proposed requires a source to report information that is generally required by a permit to be kept and is therefore only a reporting requirement. IDEM has heard from other sources that a triennial reporting requirement would relieve the burden on a significant number of sources. Title V and FESOP permits require that sources keep these records and the only additional requirement is to report them to IDEM in the form of an emission statement.

*Comment:* IDEM has proposed that facilities report actual emissions on a triennial cycle based on the county location within the state. According to IDEM, this will reduce the burden of reporting. Most companies are concentrated within certain regions of the state and will be required to submit

emission reports for all or a majority of their facilities within the same reporting year, thereby increasing the burden to these companies. (MCLP)

*Response:* If most of a company's locations were in the same area of the state, reporting would only affect one year out of three. IDEM's policy is to assist sources in completing their emission statements.

*Comment:* IDEM should be encouraged to look at methods of submitting emission statement certifications electronically. This would simplify reporting and documents tracking. (MCC)

*Response:* As soon as a method is approved by the U. S. EPA for electronic certifications, IDEM will implement that process.

*Comment:* It would be appropriate to modify the proposed rule language to specify that submittals are timely if postmarked on or before the specified due date, consistent with the provisions used to govern the timely submittal of other documents. It is inappropriate to hold a source or company responsible for non-timely submittal when the delivery via the U. S. Postal Service or private carrier is out of the control of the company. (NS)

*Response:* IDEM policy is to recognize the U. S. Postal Service postmarks as the submittal date. This language will be inserted at 326 IAC 2-6-5(b). A private carrier delivery is in essence a contract between the company and the carrier. The department encourages affected business to factor in delivery time when reporting emissions.

## REQUIREMENTS

*Comment:* Including the reporting of sixty four (64) HAPs is a welcome planning tool and a step toward evaluation whether the current MACT standards are effective in reducing public exposure to HAPs. Having an inventory in place will be an effective step forward if U. S. EPA develops risk based standards after current technology standards. (INDPLS)

*Response:* IDEM believes that HAP reporting is necessary to develop sound and realistic public policy in Indiana.

*Comment:* One approach that IDEM could consider is to focus the reporting of specific HAP emissions by source category, perhaps not to a single HAP per source category like many of the MACT standards, but more limited than asking single source categories to report emissions of fifty-eight (58) HAPs on questionable emission factors. (CGCU)

*Response:* IDEM will continue to consider this suggestion as the rulemaking process proceeds.

*Comment:* The Indiana Petroleum Council believes very strongly that appropriate HAP

reporting thresholds must be part of the rule. In order to come up with reasonable thresholds, the Council would propose the creation of a subcommittee of the rule development work group made up of a few bright people from industry, the environmental community and the agency. (IPC)

*Response:* The Department has received extensive comment on this issue and believes that revised draft language reflects this broad level of input. However, IDEM will be happy to meet with stakeholders individually or in groups to discuss this rule.

*Comment:* While we support the requirement for sources to report emissions of regulated air pollutants so that IDEM can collect Title V permit fees, establish correlations between air quality and emission levels, evaluate trends in point source emissions and in some cases project air quality impacts, we do not support a state-wide emission reporting rule, that will require sources to report vast amounts of information in great detail. IDEM should tailor the changes to the rule to achieve a more focused objective. (EL)(IPL)(KI).

*Response:* The commentors indicate that it may be better to focus emission reporting requirement in certain geographic areas or to address a more focused issue. However, it is important to note that the Office of Air Quality has responsibility for working with a broad group of interests across the state to improve and protect air quality, therefore, the focus of our efforts must address a broad range of air quality issues affecting the entire state. To narrow the number of HAP to report, IDEM used the U. S. EPA Urban Air Toxic Strategy HAP, toxicity weighted HAPs, high volume HAP reported to the toxic release inventory, monitored HAP and billable HAP.

*Comment:* It is unlikely that requiring emissions reporting by Title V and FESOP sources will aid in determining the point of origin for releases of vinylidene chloride, since this chemical has not been reported by any source in Indiana, even though it is on the TRI list. IDEM should explore other methods to determine from where this chemical is released. (FC)(IMA)

*Response:* Ambient air toxics monitoring data collected across the state indicate measurable levels of vinylidene chloride, which is a very hazardous chemical. The lack of reported data to the Toxics Release Inventory may be reflective of emission sources not complying with the federal reporting requirements or possibly secondary formation following emission from an industrial process. While the Department has no oversight of the federal TRI reporting, we do have authority to evaluate data submitted pursuant to state rule and to take enforcement action for noncompliance.

*Comment:* The requirements in 326 IAC 2-6-4(b)(3) and (b)(7) for sources to submit production information for each emission unit or each process raises significant issues for companies that wish to protect production information as confidential business information. This information does not enable IDEM to assess emission trends, protect air quality impacts, or determine unacceptable risk any better. It is information for information's sake. (EL)KI)



*Comment:* GE is very concerned with several of the proposed requirements in 326 IAC 2-6-4 that a source provide to IDEM information concerning maximum design capacity, maximum nameplate capacity, annual fuel or process weight for each emissions unit, annual process rate for each process, and maximum design rate per hour. This information is precisely the type of information GE protects as trade secrets and confidential business information. Even if IDEM can justify a need for this information, IDEM must also provide a source with the opportunity to claim such information as confidential business information. Emission data are not allowed to be claimed as confidential pursuant to IC 13-14-11-1(b). (GEP)

*Response:* IC 13-14-11-1(b) states that emissions data are not confidential and is a direct interpretation of 40 CFR 52.301 and the Clean Air Act Section 114. Therefore, it is not unreasonable for IDEM to request the information needed to correctly identify the proper emissions as stated in this rule. However, IDEM will develop rule language to group individual emission units.

*Comment:* The additional (HAPs) pollutants to be reported should be based on a cost/benefit analysis taking into consideration that HAP emission information is or will be already available to IDEM in TRI reports, existing and new permits, and new maximum achievable control technology (MACT) requirements. (APG)

*Comment:* IDEM now proposes to add a subjectively derived lists of additional secondary compounds to the reporting requirements of this rule. The added cost to the regulated community does not support the minimal added value derived from emission unit based reporting on this proposed list of fifty-seven (57) new compounds. IDEM should perform a full cost/benefit analysis and make it available to the stake holders of our state prior to any addition of new reporting requirements under 326 IAC 2-6. (CII)

*Response:* The Department does understand the concerns for the fiscal impacts of new regulatory requirements. IC 4-22-2-28, IC 13-14-9-5, and IC 13-14-9-6 require the Department to perform a fiscal impact analysis based on the requirements of this draft rule. However, the Department is not aware of a cost-benefit analysis methodology that would weigh the public's interest in HAP emission information against the cost of collecting and reporting such information.

*Comment:* The requirement to report emissions of sixty-four (64) different pollutants layered onto the specific reporting requirements of the draft rule (such as requiring emissions data for each process at a source), the magnitude and complexity of the requirements increase at a near exponential pace. Providing detailed HAP emission rates for hundreds of emission units or dozens of processes leaves the agency with far more information than it needs to prioritize air toxics issues. (EL)(KI)

*Response:* The Department is looking at ways to minimize the reporting requirements and burden, including aggregation of like emission sources and aggregation of stacks for the stack parameter reporting. IDEM welcomes specific suggests for language on these concepts. The draft rule

does include reporting levels.

*Comment:* The amount of information required to be submitted in the emission statement is burdensome and duplicative. Much of this information is identified in other paperwork submitted to the IDEM, including the permit application, quarterly reports, and stack test reports. The requirements for the emission statement, should be reduced to facility identification and actual emissions for parameters limited in the FESOP. (MCLP)

*Response:* Permits are based upon potential emissions, the compliance reports do not contain enough information to properly assure the emissions estimates, if included, and stack tests do not include information concerning process rates. All of this information is necessary to compile an accurate and complete emissions inventory. The department is exploring whether it is possible to combine reporting requirements for compliance and emission statements. The draft rule has been revised to require reporting only on those pollutants for which a FESOP source has a limit.

*Comment:* Although duplicative of current reporting requirements under the annual Toxics Release Inventory (TRI) program, we would also support annual plant-wide emission estimates of the individual HAPs listed in the rule, provided there is an appropriate *de minimis* level established. (EL)(IPL)(KI)

*Comment:* The requirement for reporting TRI HAPs is duplicative and needless. TRI reporting requirements are designed to include the majority of facilities importing/manufacturing/processing the TRI chemicals in quantities equal to or above the TRI reporting thresholds. TRI reporting requirements currently capture data from Title V sources, FESOP sources and even some area sources. (FC)(IMA)

*Comment:* It is inappropriate and unnecessary for the sources subject to this rule to be required to submit information that they may already be reporting under other, different regulatory programs, such as TRI. In those cases, IDEM's submittal date should be no earlier than the submittal date(s) required by the other program areas. (NS)

*Comment:* The additional data sought is available from the facilities' TRI submissions. The information filed in the toxic release inventory program would provide IDEM with the information it has indicated it needs to meet the three goals stated in the second notice of comment period published in the February 1, 2001 Indiana Register. (BSC)(CCI)(ECC)(GCC)(KFG)(KTC)(QI)(RPL)

*Comment:* Emission reporting on an individual compound basis has been required under TRI reporting since 1986 and has not resulted in reliable emission inventories. When all the reports are collected and analyzed, the agency will still be left with unreliable and incomplete emissions data. (BP)

*Response:* IDEM agrees that reporting of plant level HAPs would be duplicative of federal TRI reporting requirements and that TRI reporting has not resulted in reliable emission inventories. TRI reports generally do not provide the level of detail IDEM needs to be able to evaluate the effectiveness

of state and federal process based HAP regulations and develop a sound public policy for dealing with future HAP issues. IDEM believes the proposed reporting requirements, at the process level, would improve the accuracy of reported HAP emissions and provide information needed to quality assure estimated emissions. Sources might also find developing process based emission estimates helps improve the quality of the data they report to TRI. IDEM welcomes suggestions for aggregating reporting of like emission processes to reduce the reporting burden.

*Comment:* IDEM is requesting new information on hazardous air pollutant (HAP) emissions that is already provided to IDEM in TRI reports. The TRI reports basically provide everything IDEM is requesting, just in a different format and at a reporting limit that is more reasonable than no *de minimis* reporting limits. Basic statistics tell us that populations can be accurately described by obtaining representative samples and IDEM has adequate information to perform statistical analysis on these sources. Data submissions under TRI take a significant amount of effort and if there is a problem, lets fix it, not throw it out. (MCC)

*Response:* It is important to recognize that there are significant differences between what is required in the TRI reports and the draft rule revisions. Also, it is important to recognize that statistical extrapolation is only valid when a reliable sample is used. The level and quality of information, such as plant wide estimates, provided in the TRI reports does not provide for a reliable sample that could be extrapolated to process level estimates. The original intent of TRI reports was to inform the public of chemicals handled by businesses in their communities, not to evaluate emission trends or to develop public policy with respect to emission reduction approaches.

*Comment:* IPL opposes the use of stack parameters for toxic planning until such a time as technically justified ambient exposure concentrations for protecting public health have been promulgated by U. S. EPA and adopted by reference by IDEM. IPL believes that air quality modeling results without such standards for toxics or hazardous air pollutants are meaningless and only serve to raise more questions than they answer. (IPL)

*Response:* Modeling is a tool that allows us to better understand the fate and transport of pollutants and to assess whether emission reduction strategies are effective. It can also help determine where additional emissions reductions are needed, and can help assess the impact of new sources. IDEM requests suggestions for language to aggregate stack parameters information to reduce the reporting burden.

*Comment:* Probably no condition in the proposed rule is more burdensome and unnecessary than the requirement for specific process and emission information on individual emission units and stacks. If IDEM needs more refined information for modeling, they should utilize current information available from previous STEP submissions or from permit applications. Eliminate the requirements for

emission unit and stack specific information. (MCC)

*Comment:* Requiring operating data, stack parameters, and emissions information at the emissions unit/process level for all sources is entirely unnecessary and unjustified. Unless there is a clearly defined specific problem that requires a higher level of detail, the reporting information should be based on plant-wide data or data from groups of like processes. Also, IDEM should use existing stack default values instead of requiring specific emission unit/process stack information. If there is a specific, justifiable need for more detailed information from a particular type of source, the reporting of such detailed information should be restricted to that type of source. (APG)

*Comment:* Title V and FESOP sources have already provided stack parameters in their permit applications. IDEM receives notification from the source for any stack, equipment or process changes. For IDEM to require the same information to be reported annually or tri-annually is duplicative and burdensome. (FC)(IMA)

*Comment:* The addition of operating data, stack parameters, and emissions information at the emission unit/process level for all applicable sources is burdensome and will be highly problematic for IDEM. The majority of the data in question is already available to IDEM in the form of permitting documentation and SARA 313 reports. IDEM currently receives enormous amounts of information that is not effectively utilized. (CII)

*Comment:* The operating data required in 326 IAC 2-6-4(b)(3)(A) should not be required on an emission unit basis, but on a point source or stack specific basis. In some cases, it is extremely difficult, if not impossible, to collect the requested information on a process or emission unit basis. Requiring emission unit specific information in these situations will induce an undue burden on sources to collect information. (NS)

*Comment:* The new requirement to report stack parameters is unnecessary for the vast majority of sources in the state. The requirement to report stack data "by process" makes no sense at a complex pharmaceutical manufacturing operation where "processes" change frequently and are not always associated with the same sets of equipment or stacks. (EL)(KI)

*Response:* Stack parameters are necessary for modeling. Stacks are identified with the appropriate parameters and then linked to a process. The iSTEPs program simplifies the reporting process by allowing a company to enter all of its stacks. Then when inputting process information, the program allows selection of a stack from a list of those entered for the source. Once the stack data is entered into the database, it will be there for the next reporting cycle. The information would only have to be updated to reflect any changes in the stack parameters, instead of being entered for each report. Some companies already report much of the stack information, which is still in IDEM's database. The department will use information that has already been supplied through the iSTEPs process, and no additional effort will be required of those company. Companies are already reporting criteria emissions at the process (or in some cases combined unit) level, so this is nothing new. FESOP sources will not be required to report stack parameters. IDEM requests suggestions for language to aggregate stack

parameters information to reduce the reporting burden.

*Comment:* IDEM should not require reporting of maximum design capacity or maximum nameplate capacity for emissions units because this information is often very difficult to determine and it is unnecessary for a program that is concerned with actual emissions. 326 IAC 2-6-4(b)(3)(C) and (F) should be deleted. (BSC)(CCI)(ECC)(GCC)(KFG)(KTC)(QI)(RPL)

*Comment:* IDEM would require sources to submit stack parameter information annually, but has not justified this burden. If IDEM needs information for air modeling, it already has tools to request it. Requiring industry to submit the information just in case IDEM might use it is a waste of resources. (GEP)

*Comment:* Of particular concern is IDEM's proposal to require these sources to report not only criteria pollutants, but also HAPs by each emission stack. This presents a vast increase in the complexity of recordkeeping and reporting for each of our plants. This level of complexity greatly exceeds what our current Title V permits require and also exceeds the wood furniture NESHAP. (KI)

*Response:* Nameplate capacity and design capacity are required by the proposed federal emission reporting rule and will be required under the NOx SIP Call rule. The state will require this data from NOx SIP Call sources only. Emissions are calculated at the process level and summarized to the stacks associated with those processes. The draft rule does not require a source to estimate emissions at the stack level.

*Comment:* The actual emissions should be calculated using an emission factor based on the annual process rate. (MCLP)

*Response:* This is one of several options available for inputting data. Default standard emission factors are included for most processes.

*Comment:* The available emission factors to accurately report HAP emissions have not yet been developed nor certified by the IDEM or U.S. EPA for industry wide use. During the development of the MACT rule, EPA is also developing and certifying emission factors. Until this is complete and foundries can accurately report emissions, the IDEM stands to gain little. (INCMA)

*Comment:* Although the quality and quantity of emission factors have improved, there are still many processes with no approved emission factors applicable to their processes. In addition, IDEM's nonrule policy guidance on acceptance of industry supplied emission factors is vague and open to arbitrary decision making on the part of IDEM. (FC)(IMA)(SPI)

*Comment:* Even given "reasonable and appropriate" *de minimis* reporting levels, the lack of emission factors for "source specific processes" make accurate reporting impossible without stack testing. (FC)

*Comment:* Citizens Gas & Coke Utility questions the validity of emission inventory data that

may be reported based on emission factors that have a “D”, “E”, or “U” rating in such databases as FIRE or in the AP-42 reference document. (CGCU)

*Comment:* The effect of the proposed rule in our view would be minimal due to the uncertainty surrounding the emission factors utilized for estimating purposes and the fact that point sources represent only a portion of total applicable emissions. While the quality and quantity of emission factors have improved, the proposed regulations would require a monumental and costly exercise producing a great amount of inaccurate data. (BP)

*Response:* The Department understands concerns raised about emission factors. However, we do not believe that the draft rule revisions present a monumental or costly exercise to estimate emissions. Estimates must be produced to comply with the Section 313 reporting requirements. While these are gross plant wide estimates, some level of process estimation must occur, even if it is a mass balance. Also, sources have to present some level of estimation in order to receive a permit. Stakeholders have put forth several ideas to address how and when emission factors can be approved for use. IDEM will consider these suggestions and make a proposal to ensure that sources may use new emission factor without a lengthy or burdensome approval process.

*Comment:* 326 IAC 2-6-5(b)(8) states that “nothing in this rule requires stack testing”. However, the lack of *de minimis* reporting thresholds coupled with the absence of approved emission factors make accurate compliance with this proposed rule extremely problematic for many sources unless those sources resort to expensive stack testing to determine their emissions. (FC)(IMA)

*Comment:* BP appreciates the language provided at proposed 326 IAC 2-6-4(b)(8), that provides that stack testing is not required under the rule. We believe it should not be expected of sources in order to prove compliance and accurate reporting. (BP)(GEP)

*Comment:* While the draft rule stated that emission testing is not required, with no *de minimis* level, there would be no way short of testing that an industry would know they complied accurately with the reporting requirements or would be forced to use the worst cast scenario. (NSC)

*Response:* *De minimis* reporting levels were not included in the draft rule to encourage comment on this issue. The Department agrees that *de minimis* reporting levels are appropriate. The draft rule language has been revised to include *de minimis* reporting levels.

*Comment:* A review of the proposed chemical list shows seven (7) products that should be added because they are billable emissions not elsewhere accounted for. Otherwise, only one chemical on the list is present in significant concentrations in monitoring data. To arbitrarily add all the other listed chemicals when they are already being adequately addressed or absent any evidence that there is a problem is unreasonable and unnecessarily burdensome. Limit new HAPs reporting to only billable HAPs greater than one (1) ton. (MCC)

*Comment:* Consideration should be given to restricting the additional pollutants to be reported

to the “billable HAPs”. (APG)

*Comment:* Would “billable HAPs” only apply to Title V sources? Since Title V billing of regulated air pollutants is on a “per ton” basis, the increased fees resulting from, for example, dioxins, would be negligible. FESOP sources are currently billed at a set annual rate. (FC)

*Comment:* The initial list of top down HAPs should be limited to “billable” HAPs only. (CII)

*Comment:* Limit new HAPs to the “billable HAPs” greater than one (1) ton. (MCC)

*Comment:* Limit all HAP reporting for “billable HAPs” to HAP emissions greater than five (5) tons or if available 313 reporting thresholds. (MCC)

*Response:* It is important to reiterate that reported HAP information is necessary to develop sound and realistic public policy in Indiana. The approach suggested in the draft rule revisions is a sensible first step in developing accurate HAP information. Rather than arbitrarily identifying HAP to be reported, the Department has used criteria to identify those HAPs for which there is the most compelling need. Requiring only the larger sources ( Title V sources and FESOPs who have HAP limits) to report emissions will help ease the reporting burden because it eliminates many small permitted and registered HAP emitting sources from the reporting requirements of the rule.

*Comment:* IDEM should adapt the same reporting requirements as the Superfund Amendments and Reauthorization Act of 1996 (SARA) 313 rule and amend the reporting requirements for 326 IAC 2-6-4(a)(31) hydrochloric acid (CAS Number 0747010) to require only acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size to be reported. (NSC)

*Response:* SARA Section 313 uses the term “hydrochloric acid aerosols” to indicate airborne forms of hydrochloric acid. Since the emission reporting rule only requires reporting of air emissions, it is not necessary to make this change. Excluding nonaerosols is important for Section 313 because of the reporting thresholds for manufacturing, processing, or otherwise using a listed chemical.

*Comment:* The requirement to include the UTM or latitude and longitude coordinates of each stack is excessive. To that end, the provisions of 326 IAC 2-6-4(b)(8) should be modified to also indicate that nothing in this rule should force surveying of the source’s stack location to determine the latitude and longitude or UTM coordinates.

(BSC)(CCI)(ECC)(EL)(GCC)(KFG)(KI)(KTC)(NS)(QI)(RPL)

*Response:* Collection of UTM information is an agency-wide initiative for use in all databases. Specifically, modeling cannot be performed without this information. It would be impossible to link monitoring and modeling without it. This UTM information is easily obtained and only has to be provided as part of the emission reporting requirements once. The Department can assist sources in obtaining this information. This requirement can also be lessened by grouping stacks as discussed under previous comments.

*Comment:* One of the most burdensome provisions of the proposed rule is the requirement in 326 IAC 2-6-4(b)(3) to require sources to provide throughput, operating schedules, and capacity information for each “emission unit” which has been interpreted as each piece of equipment in a pharmaceutical manufacturing operation. In the past, we have provided this information at a much higher level, typically by production building, which might contain dozens of individual emission units, or for large individual units such as boilers and incinerators. (EL)(KI)

*Comment:* The current rule provides a source with significant discretion for how it reports emissions and other data. In the past, GE has reported emissions and other data for each production building (which can contain dozens of emissions units) or for large individual emission units such as boilers. The rule should allow us to continue with this practice. We believe this approach provides IDEM with an appropriate level of detail while minimizing the burden of preparing this report each year. (GEP)

*Response:* The Department understands this concern and will continue to work with the companies to define “process” and “emission unit” for the emission reporting rule.

*Comment:* The requirement to report emissions “by process” is overly burdensome and complicated for our facilities. If we are required to report emissions of sixty-four (64) different pollutants for thirty (30) to fifty (50) different processes, the level of emissions information becomes so detailed that it is very costly to us. (EL)(KI)

*Response:* IDEM will continue to discuss with interested stakeholders the level of emissions information needed.

*Comment:* The “insignificant activities” currently exempted by the Title V and FESOP rules would now fall under this reporting requirement. It would be extremely problematic to sign the permit required compliance certifications without *de minimis* exemptions. (FC)

*Response:* The emissions from insignificant activities listed at 326 IAC 2-7-1(21) are exempted from the applicability and reporting thresholds of the emissions reporting by this draft rule.

*Comment:* The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) reportable quantities (RQ) should be used as a guideline for rating risks of the HAP chemicals. A HAP chemical with a CERCLA RQ of one (1) pound would have a much lower *de minimis* quantity than a HAP chemical with an RQ of one thousand (1000) pounds. (NSC)

*Response:* The CERCLA reportable quantities were developed to establish a level at which a release to all media of the environment should be reported. Data generated through TRI reporting are not sufficient to address the stated needs that serve as the basis for this draft rule revision. IDEM has included no minimum reporting levels for dioxin, lead, and mercury in the revised draft rule.



*Comment:* As proposed, the rule will require that Purdue report emissions data and operating information for “each emission unit”. There are over one thousand one hundred (1,100) laboratory fume hoods, associated with research and teaching laboratories, at the Purdue West Lafayette campus that have the potential to emit regulated air pollutants. In addition, Purdue has numerous other activities that are defined as insignificant activities or trivial activities under the Title V rule (326 IAC 2-7). Purdue believes that there is little benefit to quantifying emissions from these activities compared to the level of effort that would be required to obtain all information necessary for such sources. On the basis of this concern, Purdue requests that 326 IAC 2-6-1, as currently drafted, be revised to incorporate exemptions from reporting requirements for activities that meet the definition of an insignificant activity or a trivial activity under 326 IAC 2-7 or are exempt from permitting rules under 326 IAC 2-1.1-3. (PU)

*Response:* Emissions from insignificant and trivial activities are exempted from the reporting requirements of this draft rule. The language has been changed to repeat this exemption from 326 IAC 2-7-1(21) and (40).

*Comment:* *De minimis* reporting levels already exist in the current 326 IAC 2-6 rule as stated in 326 IAC 2-7-1(21)(J). Neither emissions from trivial activities nor emissions from insignificant activities, as those terms are defined in 326 2-7-1, need be included in the emission report. GE suggest that this concept be placed directly in 326 IAC 2-6 to ensure the regulated community is aware of this provision. (GEP)(IPL)

*Comment:* The proposed rule should specify reporting levels for all pollutants, and particularly for hazardous air pollutants (HAPs). Absolutely no reason exists for requiring the reporting of *de minimis* levels of emissions, including HAPs. The Title V regulation already recognizes this fact and exempts emission reporting for insignificant and trivial activities. 326 IAC 2-6-4(b)(5)(F) should be added to read “ HAP information is not required for any stack unless the emission rate exceeds one ton per year”. (BSC)(CCI)(ECC)GCC)KFG)(KTC)(QI)(RPL)

*Comment:* In the draft rule 326 IAC 2-6-4, there are no *de minimis* reporting levels. This increases the reporting burden of most operating facilities, due to trace amount of HAP in chemicals, both HAP and non-regulated chemicals. Emissions of a gas hot water heater used for a process would now have to be reported and the fuel usage measured. (NSC)

*Comment:* A more important *de minimis* consideration is the concentration of a HAP. Using the OSHA definitions, HAP *de minimis* concentrations would be one percent (1%) for HAPs, while carcinogens would be one tenth percent (0.1%). Since this needs to be tracked by OSHA, it is a reasonable *de minimis* concentration for plants to track. (NSC)

*Comment:* Consideration should be given to establishing a *de minimis* reporting level of five (5) tons of actual emissions (to be consistent with the 313 reporting threshold of ten thousand (10,000 pounds) unless there is a compelling, demonstrated health-based justification for a lower reporting level.

(APG)(CII)

*Comment:* Without appropriate *de minimis* reporting levels, insignificant activities currently exempted under the Title V program and FESOPs would be subject to reporting under the proposed amendments. However, without first establishing reliable and appropriate emission factors, it will be impossible to develop reasonable *de minimis* reporting levels for specific source processes. (SPI)

*Comment:* We strongly believe that the agency must include reasonable *de minimis* reporting levels for the HAP reporting in the proposed rule. We believe a consistent ten (10) ton threshold per reporting unit is an appropriate level for most of the HAPs listed. (BP)

*Comment:* Kimball is concerned with IDEM's proposed changes to the *de minimis* reporting levels for HAPs. Kimball reports its criteria pollutant emissions to no more than two significant decimal places one hundredth (0.01) ton. It is not realistic to certify emissions below that level. (KI)

*Comment:* The approach of the rule will make this rule overly burdensome to the regulated community. The current draft rule language requires that all sources report emissions of all of the pollutants on the list without regard to the quantity emitted. Citizens Gas and Coke Utility recommends that the agency establish *de minimis* reporting thresholds that are no less than one hundredth (0.01) ton or twenty (20) pounds for each regulated pollutant. (CGCU)

*Comment:* GE recommends that an absolute *de minimis* level of one hundred (100) pounds or five hundredths (0.05) ton be created, so that any pollutant whose source wide emissions are less than one hundred (100) pounds per year, regardless of whether the activity generating the emissions is "trivial" or insignificant, need not be included in the emissions report. The figure of one hundred (100) pounds reflects new reporting thresholds under the SARA Toxics Release Inventory (TRI) program for some pollutants characterized as persistent, bioaccumulative, or toxic (GEP)

*Comment:* 326 IAC 2-6-4(a) should be modified to establish a *de minimis* emission threshold level for reporting emissions, especially for the additional emissions beyond the criteria pollutants. A pollutant specific *de minimis* level for each of the listed HAPs should be specified. (NS)

*Comment:* If IDEM chooses to go forward with this proposal, reasonable reporting thresholds for each individual HAP should be developed. (AEP)

*Comment:* IDEM should set *de minimis* levels for each listed HAP. (NSC)

*Comment:* The rule should contain *de minimis* emission rates for each pollutant. The insignificant activity thresholds are an appropriate starting point for emission reporting thresholds. (EL)(KI)

*Comment:* A lack of reasonable and appropriate *de minimis* reporting levels for listed HAPs reporting thresholds creates a situation where every Title V and FESOP source could potentially be in violation of this rule. (FC)(IMA)

*Response:* *De minimis* reporting levels were not included in the draft rule to encourage comment on this issue. The Department agrees that *de minimis* reporting levels are appropriate. The draft rule language has been revised to include *de minimis* reporting levels. The

current IDEM policy for reporting levels is to the nearest one hundredth (0.01) ton per year. Dioxin, lead, and mercury have no minimum reporting levels.

*Comment:* Another issue raised by the proposed amendments is the requirement in 326 IAC 2-6-4(B)(5)(D) that sources only use emission factors approved by IDEM. Even if IDEM were somehow able to approve every possible factor, the agency does not have a system for communicating to regulated companies which factors and estimation techniques are approved. The system in the current rule, which allows site-specific factors, if “accepted” by IDEM and EPA is the only practical approach. (EL)(GEP)(KI)

*Comment:* IPL recommends that the rule require only IDEM approval for such emission factor use due to the excessive amount of time it would take U. S. EPA to review and approve such emission factors. IPL believes emission factors developed by the Electric Power Research Institute (EPRI) should not be required to undergo scrutiny by IDEM and U. S. EPA since such emission factors are subject to extensive scientific peer review prior to being issued for industry use. (IPL)

*Comment:* There is a problem of few emission factors for trace HAP chemicals in manufacturing processes. (NSC)

*Comment:* A different approach to deal with low level emissions, or for pollutants where emission estimates are imprecise because of the lack of good emission data or emission factors, would be for the rule to allow a source to report some emissions in ranges. For some pollutants, reporting in ranges may be the only feasible means to report. (EL)(KI)

*Response:* IDEM agrees that emissions calculation methods for this draft rule are a concern and will continue to discuss the issue with interested stakeholders.

*Comment:* Requiring reporting of VOCs and HAPs would result in duplicative reporting and “double counting “ of emissions. Some HAPs proposed for reporting, such as perchloroethylene, would not likely be emitted by Title V or FESOP sources, but rather by area sources. (FC)

*Comment:* IDEM should clarify that any HAP that is also a VOC or particulate and which has been historically included in these reported emissions would be excluded from fee calculations. These HAPs should be excluded from the fee calculation by rule or the sources should be allowed to report them separately from the particulate or VOC emissions in which they have been previously included . (AEP)

*Response:* IDEM will subtract VOC HAPs and PM<sub>10</sub> HAPs from the total VOC and PM<sub>10</sub> emissions for purposes of billing.

*Comment:* It should be noted that a given affected source may not be capable of emitting all of the listed pollutants and therefore, emissions reporting should be limited to only those pollutants for

which the affected source can be expected to emit and for which reliable emission factors exist to calculate emissions. (IPL)

*Response:* If a pollutant is below a *de minimis* level or not emitted at all, it does not have to be reported. IDEM will continue to discuss these issues with interested stake holders.

*Comment:* AEP does not believe that sources not regulated for a specific HAP should be required to report a HAP under this rule. While some sources are required to report various substances, for which they are not regulated under the TRI rules, many of these values are estimates or ranges. Such estimates that are permissible under the TRI rules are not generally useful in generating emission inventory grade data, but are sufficient for facilities reporting substances for which they are not regulated under the TRI program. (AEP)

*Responses:* IDEM will continue to discuss the issue of specific HAPs that sources will be required to report.

*Comment:* 326 IAC 2-6-4(a) should be revised as follow: “A source subject to this rule shall report actual emissions of the following pollutants emitted by that source in the emission statement where applicable.”. (IPL)

*Response:* The word “actual” will be inserted in 326 IAC 2-6-4(a), but IDEM is not sure about what is meant by “where applicable” and has not included it.

*Comment:* The reference in 326 IAC 2-6-3(e) to subdivision “4(c)(1)” is incorrect. It should be to subdivision “4(b)(1)”. (GEP)

*Response:* The draft rule has been revised and the appropriate reference has been inserted.

*Comment:* The phrase “those 326 IAC 2-7 sources” in the second sentence of 326 IAC 2-6-3(a) is not needed and should be deleted. (EL)(KI)

*Response:* Title V and FESOP sources in nonattainment and maintenance counties are required to submit an emission statement annually. However, that subsection has been revised for clarity.

*Comment:* The term “regulated” should be inserted between “following” and “pollutants” in the first line of 326 IAC 2-6-4(a). (EL)(KI)

*Response:* All of the pollutants included for reporting are listed in the Clean Air Act but may not yet have standards promulgated for them. The department would like to work with interested parties to develop language for this section.

*Comment:* The last sentence of 326 IAC 2-6-4(b)(1) should be deleted since this provision is reiterated in 326 IAC 2-6-5. (EL)(KI)

*Response:* 326 IAC 2-6-4(b)(1) gives specific information about the certification and 326 IAC 2-6-5 states that failure to comply with any provision of the rule is a violation. IDEM does not believe these two parts of the rule are the same.

*Comment:* 326 IAC 2-6-4(b)(5)(A) should include clarifying language about downtime to indicate the equipment downtime and also the time the process is not operating. (NS)

*Response:* The definition of “downtime” has been reworded.

*Comment:* 326 IAC 2-6-4(a)(4) should be modified to be consistent with the definition of PM<sub>10</sub> (particulate matter less than or equal to ten (10) microns in diameter). (NS)

*Response:* The draft rule has been changed to include “or equal to”.

*Comment:* The footnote to the list of sixty four (64) pollutants is vague and ambiguous. To clarify this footnote, GE suggests the language be revised to read: “The following applies to the listings that contain the word ‘compound’. Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (for example, antimony or arsenic) as part of that chemical’s structure.” (GEP)

*Response:* IDEM agrees and the draft rule has been changed.

*Comment:* The reporting should be based on emissions from stacks, not from processes or emission units. 326 IAC 2-6-4(b)(3) should be changed to read “Operating data, to include for each stack the following:” 326 IAC 2-6-4(b)(3)(G) should be changed to read “Annual fuel or process weight and units.” The first sentence of 326 IAC 2-6-4(b)(5)(A) should read “The estimated actual emission of all pollutants listed in subsection (a) at the stack level in tons per year.” (BSC)(ECC)(GCC)(KFG)(KTC)

*Response:* IDEM disagrees. Information is entered from the emission process level and the data processing system summarizes stack emissions.

*Comment:* In regard to clause 326 IAC 2-6-4(b)(5)(A), IPL requests that IDEM provide guidance on how to calculate actual emissions of applicable pollutants for unit malfunctions, start-up and shutdown operations, fugitive emissions, and unit downtime since it is not clear how pollutant emissions for such activities should be calculated for a given source category. (IPL)

*Response:* The Department will assist in calculating emissions for unit malfunctions, start-ups and shutdown operations, fugitive emissions, and unit downtime.

*Comment:* Clause 326 IAC 2-6-4(b)(5)(B) indicates that emissions of VOC and PM<sub>10</sub> shall be reported as total VOC or PM<sub>10</sub> emissions. IPL interprets this requirement to include both solid and

condensable fractions of PM<sub>10</sub> emissions. IPL requests that IDEM confirm this understanding. (IPL)

*Response:* IDEM agrees with this interpretation.

*Comment:* IPL understands that the “stack gas exit temperature” listed in clause 326 IAC 2-6-4(b)(4)(D) has units of degrees Fahrenheit and should be reflected in the rule as such. (IPL)

*Response:* IDEM agrees and the draft rule has been changed.

*Comment:* IPL recommends that the “plume height” parameter listed in clause 326 IAC 2-6-4(b)(4)(B) should be deleted since that parameter is not really a primary stack parameter, but a function of stack height, stack exit diameter, stack volumetric flow rate, and stack gas exit temperature. (IPL)

*Response:* IDEM agrees and “plume height” has been deleted from 326 IAC 2-6-4(b)(4)(B).